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09/812,037	03/19/2001	Ian E. Smith	D/A0458	9334
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FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			EXAMINER GODDARD, BRIAN D	
			ART UNIT 2161	PAPER NUMBER

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/812,037

Applicant(s)

SMITH ET AL.

Examiner

Brian Goddard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9,10,12-14,16-18,20-22,24-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9,10,12-14,16-18,20-22,24-28 and 30-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

AT

### **DETAILED ACTION**

1. This communication is responsive to the Amendment filed 11 July 2005.
2. Claims 1, 2, 4-7, 9, 10, 12-14, 16-18, 20-22, 24-28 and 30-33 are pending in this application. Claims 1, 9, 17 and 25 are independent claims. In the Amendment filed 11 July 2005, claims 30-33 were added; claims 8, 15, 23 and 29 were cancelled; and claims 1, 9, 17 and 25 were amended. This action is non-final.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2, 4-7, 9-10, 12-14, 16-18, 20-22 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,101,506 to Ukai et al. in view of U.S. Patent No. 6,598,054 to Scheutze et al.

Referring to claim 1, Ukai discloses a system and method for organizing a plurality of objects substantially as claimed. See Figures 1-10 and the corresponding portions of Ukai's specification for this disclosure (Refer also to Ukai's claims 1-5). In particular, Ukai teaches a method of organizing a plurality of objects [files], comprising the steps of:

receiving user selections of multiple objects [files: See Figures 8-10] from the plurality of objects [Also see column 2, lines 9-55];

creating [See Figures 8-10] a group [file-case: 'file group' or 'group of files'] from the multiple objects [Also see column 2, lines 9-55];

designating [Step 1055 (See column 8, lines 11-29; column 2, line 21 – column 3, line 8; and column 23, lines 24-38)] a representative [representative image (116) on file-case door (113)] of the group [example: Hitachi Catalog]; and

displaying [See Figures 1-2, 7 and 9] the representative of the group.

Ukai does not explicitly disclose that "the objects of the group will be treated as a single object such that when a search is performed on the plurality of objects the representative will be returned if any of the objects of the group meet a search parameter" as claimed. However, Ukai does include a search interface [See Figs. 20-21] where objects of the group meeting a search parameter are returned and displayed.

Scheutze discloses an object grouping system and method similar to that of Ukai wherein multiple objects [e.g. images] are grouped [into a cluster (See Figs. 9-11)], at least one object is designated as a representative of the group [See Column 24, lines 48-65], and wherein the objects of the group [cluster] are treated as a single object [based on the cluster centroid] such that when a search is performed [See Figs. 14, 16, 17, etc.] on the plurality of objects the representative will be returned [representative image(s) of the cluster are displayed (See Figs. 14, 16, 17 & Column 26, line 6 et seq.)] if any of the objects of the group meet a search parameter [representative image(s) displayed if any image in the cluster meets a search parameter] as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Scheutze's search result methodology (displaying the

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representative if any object in the group matches a search parameter) to Ukai's user-specified grouping methodologies to obtain the invention as claimed. One would have been motivated to do so in order to provide a more concise, yet still accurate, visual representation of search results (as disclosed by Scheutze) such that the user is given a smaller result set of representative objects instead of being assaulted with a large result set of every matching object.

Referring to claim 2, the system and method of Ukai in view of Scheutze as applied to claim 1 (hereinafter "Ukai/Scheutze") discloses the method as claimed. See Ukai's Background and Summary of the Invention sections, as well as Figures 1-4 and the corresponding portions of Ukai's specification for this disclosure. In the broadest reasonable interpretation of the claim, Ukai (as modified by Scheutze) teaches that "an object [a particular photograph (file) for example (See column 1, lines 36-46)] may be part of more than one group [may be in both a catalog and an album, or even in two different catalogs for example (See Figures 1-4)]" as claimed. In a more specific interpretation of the claim, Ukai (as modified by Scheutze) teaches that "an object [Hitachi Catalog Vol. 3] may be part of [linked into (35)] more than one group [Hitachi Catalog and Hitachi Catalog 2]" as claimed. See Figure 4 and the corresponding portion of Ukai's specification for this disclosure. Regardless of which interpretation is taken, Ukai/Scheutze discloses the invention as claimed.

Referring to claim 4, Ukai/Scheutze discloses the method as claimed. See Figures 1-2, 7 & 9 and the corresponding portions of Ukai's specification for this disclosure. Ukai's (as modified by Scheutze) step of displaying the representative of the

group "further includes not displaying the other objects of the group [See Figures 1 & 2: only the representative image 116 is displayed for each group 112], and indicating [by file-case knob (114)] that the object being displayed is a representative of the group [See Figures 1 & 7]" as claimed.

Referring to claim 5, Ukai/Scheutze discloses the method as claimed. See Figure 10 and the corresponding portion of Ukai's specification for this disclosure. Ukai's (as modified by Scheutze) method further includes the steps of: "detecting [Step 1010] an additional object [newer version of a file]; and, adding [Steps 1015 – 1070 (remainder of method 1000)] the additional object to the group, responsive to the detecting step" as claimed.

Referring to claim 6, Ukai/Scheutze discloses the method as claimed. See Figures 1 & 7 and the corresponding portions of Ukai's specification for this disclosure. In particular, Ukai (as modified by Scheutze) teaches that "the objects of the group may be viewed [Figures 7B & 7C] by selecting the representative [Figure 7A]" as claimed.

Referring to claim 7, Ukai/Scheutze discloses the method exactly as claimed. See Figures 10, 15 & 17-18 and the corresponding portions of Ukai's specification for this disclosure. Refer specifically to the final step of Ukai's claim 1 where Ukai (as modified by Scheutze) teaches that "the representative of the group may be changed ['when the file group is updated, changing and displaying said representative image']" as claimed.

Claim 9 is rejected on the same basis as claim 1 above. In particular, Ukai (as modified by Scheutze) teaches "an article of manufacture [computer system of Fig. 1]

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including an information storage medium [Main Storage 50] wherein is stored information for programming a computer [Rack Managing Program 500] to perform a method of organizing a plurality of objects, the method comprising the steps of...[See claim 1 above]" as claimed.

Claim 10 is rejected on the same basis as claim 2 above, in light of the basis for claim 9. See the discussions regarding claims 2 and 9 above for the details of this disclosure.

Claims 12-14 are rejected on the same basis as claims 4-6 respectively, in light of the basis for claim 9 above. See the discussions regarding claims 4-6 and 9 above for the details of this disclosure.

Claim 16 is rejected on the same basis as claim 7 above, in light of the basis for claim 9. See the discussions regarding claims 7 and 9 above for the details of this disclosure.

Claim 17 is rejected on the same basis as claim 1 above. In particular, Ukai (as modified by Scheutze) teaches "an apparatus [See Fig. 1] for organizing a plurality of objects, comprising:

- a processor [CPU 10];

- a display device [Display Unit 100] in communication with the processor; and,

- a processor readable storage medium [Main Storage 50] in communication with the processor, containing process readable program code [Rack Managing Program 500] for programming the apparatus to perform...[See claim 1 above]" as claimed.

Claim 18 is rejected on the same basis as claim 2 above, in light of the basis for claim 17. See the discussions regarding claims 2 and 17 above for the details of this disclosure.

Claims 20-22 are rejected on the same basis as claims 4-6 respectively, in light of the basis for claim 17 above. See the discussions regarding claims 4-6 and 17 for the details of this disclosure.

Claim 24 is rejected on the same basis as claim 7 above, in light of the basis for claim 17. See the discussions regarding claims 7 and 17 above for the details of this disclosure.

Referring to claim 25, Ukai/Scheutze discloses the method of organizing a plurality of objects as claimed. See the discussion regarding claim 1 above, as well as Figures 2, 3 & 5-7 and the corresponding portions of Ukai's specification, for the details of this disclosure. Ukai (as modified by Scheutze) teaches "a method of organizing a plurality of objects, comprising the steps of:

receiving...[See claim 1 above];

creating...[See claim 1 above];

automatically determining...[See claim 1 above];

designating...[See claim 1 above]; and

displaying the representative of the group [See claim 1 above], wherein the display [Ukai: See Figs. 2 & 7] of the representative [Ukai: 116 (e.g. Hitachi Catalog Vol. 5)] is such that it is expandable [Ukai: Steps 610-630 (also See transition from Fig. 7A to Fig. 7B or 7C) – expanded by clicking on the file case knob 114] to show all the



members of the group [Ukai: 117 (See Figs. 7B & 7C)] or collapsible [Ukai: Step 640 (See Figs. 2 & 7A) – the file case 112 is ‘closed’] to show only the representative [Ukai: 116 (See Fig. 7A)]” as claimed.

Referring to claim 26, Ukai/Scheutze as applied to claim 25 above discloses the method of organizing a plurality of objects as claimed. See the discussions regarding claims 1 & 25 above, as well as Figures 2, 3 & 5-7 and the corresponding portions of Ukai’s specification, for the details of this disclosure. Ukai (as modified by Scheutze) teaches the method of claim 25, as above, wherein in the collapsed display [Ukai: See Figs. 2 & 7A] an indication [Ukai: 114 (also See Step 620)] of the expandability is shown [Ukai: See Figs. 2 & 7A and Steps 610-620] as claimed.

Claims 27-28 are rejected on the same basis as claims 6-7 respectively, in light of the basis for claim 25. See the discussions regarding claims 1, 6-7 and 25 above for the details of this disclosure.

4. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ukai in view of Scheutze as applied to claims 1, 9, 17 and 25 above, and further in view of U.S. Patent No. 6,238,106 to Rosati.

Referring to claim 30, Ukai/Scheutze as applied to claim 25 above discloses designating the most recently selected object as representative by default, but also discloses designating ANY object of the group as the representative. Ukai does not explicitly disclose the automatic determination of the first selected object and the designation thereof as the representative of the group. However, Ukai’s system does

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automatically determine the last [latest] selected object [the file that was most recently selected/accessed by the user] and designate this object as the representative of the group. See column 2, line 56 et seq. for this disclosure. Thus, Ukai's system does take into account the order of selection in the designation of the representative object, providing suggestion for automatically determining the first selected object. Further, Ukai teaches that any of the selected objects could be designated as the representative of the group. This not only provides suggestion for modifying Ukai's representative selection in different manners as a matter of design choice, but also gives explicit disclosure for "designating the first object selected during the step of selecting first and second objects" because the 'first selected object' is a member of the set of 'any of the selected objects' which can be designated as the representative.

Rosati discloses a system and method similar to that of Ukai, wherein selected objects [operating parameter display objects for a motor system] are grouped and displayed by a representative. See Figures 8-9 and the corresponding portions of Rosati's specification for this disclosure. Specifically, Rosati's system automatically determines the first selected object of the group, the first selected object being the object of the group that was selected by a user first; and designates the first selected object as the first displayed representative of the group. See column 7, line 5 – column 8, line 29 of Rosati's specification for this disclosure. Rosati's motivation for designating the first selected object as the first displayed representative of the group is the likelihood that the object selected first by the user is the object that is most important or relevant to the user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Rosati's automatic determination of the first selected object of the group into the system and method of Ukai/Scheutze, so as to automatically determine the first selected object and designate this object as the representative of the group. One would have been motivated to do so because of the suggestion provided by Ukai in using order of selection and allowing any object to be designated, and further because of Rosati's suggestion that the object selected first is likely the most important or relevant to the user in terms of the entire group.

Claims 31-33 are rejected on substantially the same basis as claim 30, in light of the basis for claims 1, 9 and 17 respectively. See the discussions regarding claims 1, 9, 17, 25 and 30 above for the details of this disclosure.

### ***Response to Arguments***

5. Applicant's arguments, see pages 7-8, filed 11 July 2005, with respect to the rejection(s) of claim(s) 1, 9, 17 and 25 under 35 USC § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the newly found prior art Scheutze et al. (US 6,598,054) in combination with Ukai. Although Ukai does not expressly disclose the return of the representative if any object of the group meets a search parameter, it does not preclude or prohibit such practice either. Scheutze discloses object grouping and retrieval technology similar to that of Ukai, and further teaches that when a search is performed on the plurality of objects, the

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representative will be returned if any of the objects of the group meet a search parameter as claimed. The combination of Ukai and Scheutze as applied to the claims above obviates each and every limitation of applicants' claims.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 571-272-4020. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg  
28 September 2005

  
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